

*Conserving Ocean Fish and Their Environment
For Over 25 Years*

May 22, 2002

Dr. Chris Rogers, Chief
Highly Migratory Species Division
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Dr. Rogers:

The National Coalition for Marine Conservation (NCMC) submits the following comments on the proposed rule to amend the consolidated regulations implementing the Highly Migratory Species Fishery Management Plan (HMS FMP). NCMC supports many of the proposed actions, insofar as they are intended to clarify inconsistencies in the statutory regulations. However, certain proposed actions deserve greater attention.

Charter/Head Boat (CHB) Landings

The proposed action would allow charter vessels and head boats to fish either as a for-hire recreational vessel, subject to the recreational bag limits but allowed to sell any yellowfin tuna caught, or as a not-for-hire commercial vessel, where the recreational bag limits do not apply. The need for this regulation underscores the unfair and wholly arbitrary application of a bag limit on recreational anglers without corresponding measures to limit catches by the commercial sector. NCMC is an advocate of precautionary fisheries management, the apparent premise under which a 3-fish bag limit was applied to the recreational fishing sector. However, if NMFS deems such action is warranted for one sector of the fishery, why not for the others? Under the proposed regulations, a vessel with a captain and one crewmember could fish as a for-hire trip with up to 6 anglers aboard. The 8 persons on the boat could keep 24 yellowfin tuna and sell them. The very next day, the same captain and crewmember could take the same boat, but fish as a commercial vessel and keep an unlimited number of tuna to sell. Does the recreational or commercial nature of the trip influence the degree to which the resource is impacted?

Any fishing trip where the harvested fish are sold would seem to constitute a commercial fishing trip. Are fish caught under a recreational bag limit, but then sold, counted against the commercial catch or the recreational? If NMFS continues to believe bag limits are a necessary conservation measure for the recreational sector, we encourage the agency to implement similar, precautionary catch limits for the commercial sector.

The proposed rule mentions the possibility that, if **NMFS** proceeds ~~with~~ rulemaking to implement a bag limit for swordfish on recreational vessels, similar rules would apply. We ~~must~~ reiterate our staunch opposition to a bag limit for recreationally caught swordfish. In this case, implementing a bag ~~limit~~ actually decreases swordfish conservation. Swordfish caught with handgear are selectively captured with absolutely no bycatch. NMFS should be promoting the use of selective fishing gears, and have the foresight to see that a shift to more selective gears will be necessary if the swordfish fishery is to be sustainable over the long term. **NMFS** should not inhibit the resurgence of selective alternatives to longlines when it should be promoting them.

Angling category HMS permits

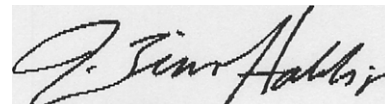
NCMC supports expanding the angling tuna permit to include all HMS species. To better **ascertain** the catch of the recreational fishery, **we suggest NMFS** develop a brief questionnaire to be filled out annually. Anglers **wishing** to **renew** their HMS permits, either online or through the mail, could complete a questionnaire that would ask anglers to estimate how many of each HMS they caught and/or released **the** preceding year. Such information would be invaluable in more accurately determining the extent of recreational catch.

e-Comments program

NCMC is highly pleased with the e-Comments **program**. The ability to collect public comment on proposed rulemaking **may** be greatly enhanced. We especially like the feature that allows the public to view comments submitted by other members of the public and interested parties.

Thank you for considering **our** suggestions,

Sincerely,



Tim Hobbs
Fisheries Project Director